

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

FEDERAL TRADE COMMISSION and  
THE PEOPLE OF THE STATE OF NEW  
YORK, by LETITIA JAMES, Attorney  
General of the State of New York,

Plaintiffs,

v.

QUINCY BIOSCIENCE HOLDING  
COMPANY, INC., a corporation;

QUINCY BIOSCIENCE, LLC, a limited  
liability company;

PREVAGEN, INC., a corporation  
d/b/a/ SUGAR RIVER SUPPLEMENTS;

QUINCY BIOSCIENCE  
MANUFACTURING, LLC, a limited  
liability company; and

MARK UNDERWOOD, individually and as  
an officer of QUINCY BIOSCIENCE  
HOLDING COMPANY, INC., QUINCY  
BIOSCIENCE, LLC, and PREVAGEN,  
INC.,

Defendants.

Case No. 1:17-cv-00124-LLS

**NOTICE OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

**PLEASE TAKE NOTICE** that upon the accompanying Memorandum of Law, Defendants' Rule 56.1 Statement of Undisputed Facts, the Declaration of Glenn T. Graham, Esq. dated April 14, 2022, together with exhibits A through PP attached thereto, the Declaration of Todd Olson dated April 14, 2022, together with exhibits A through F attached thereto, the Declaration of Mark Underwood dated April 12, 2022, together with exhibits A through U attached thereto, and all of the pleadings and proceedings heretofore filed and had herein, Defendants Quincy Bioscience Holding Company, Inc., Quincy Bioscience, LLC, Prevagen, Inc., and Quincy

Bioscience Manufacturing, LLC, and Mark Underwood,<sup>1</sup> by and through their attorneys, Kelley Drye & Warren LLP will move this Court before the Honorable Louis L. Stanton, United States District Judge for the Southern District of New York, located at 500 Pearl Street, Courtroom 21C, New York, New York 10007, at a date and time to be determined by the Court, for an Order, pursuant to Rule 56 of the Federal Rules of Civil Procedure, granting summary judgment in favor of Defendants and such other and further relief as the Court may deem just and proper.

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<sup>1</sup> Mr. Underwood has brought his own motion for partial summary judgment on jurisdictional grounds separately and without waiver of his rights to join Quincy's arguments set forth, and relief requested, herein. See Dkt Nos. 210, 211.

KELLEY DRYE & WARREN LLP

Dated: April 14, 2022  
New York, New York

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